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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,676	03/03/2004	Takeshi Kokubo	SON-2934	2307
23353 7590 01/28/2008 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER RAMAKRISHNAIAH, MELUR	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,676	Applicant(s) KOKUBO, TAKESHI	
	Examiner Melur Ramakrishnaiah	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 6-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12-01-2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Claims 1-4, 8-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected groups, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10-25-2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamao (US PAT: 7,200,220, filed 3-16-2000) in view of Katou (JP411261630A) and Murooka (JP2002259310A).

Regarding claim 5, Yamao discloses a mobile terminal apparatus (1, fig. 1) comprising: storage means (17, fig. 1) for storing data, communication means (12, fig. 1) for communication via communication network (3, fig. 1), and a controller (15, fig. 1) for transmitting specified data to a specified server (4, fig. 1) when a specified instruction is received via communication means and erasing the specified data from the storage means after transmission is completed (col. 3, line 23 – col. 4, line 32; col. 7 lines 36-45).

Regarding claim 6, Yamao further teaches the following: the controller (15, fig. 1) transmits data to the server (4, fig. 1) only when at least one of the following conditions

is fulfilled such as information regarding sender of the communication matches previously registered sender information (reads on registered telephone number: col. 5 lines 7-24).

Yamao differs from claimed invention in that he does not disclose using electronic mail for interaction between server and mobile terminal.

However, it is well known in the art to use electronic mail for transmission and reception information between server and mobile terminal as disclosed by Katou (see abstract) and as disclosed by Murooka (see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Yamao's system to provide for use of electronic mail for interacting between mobile terminal and server as this arrangement would provide well known means for interaction between server and communication terminals as taught by Katou and Murooka.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamao in view of Katou and Murooka as applied to claim 5 above, and further in view of Shinkawa (JP2001-309431).

The combination differs from claim 7 in that it does not specifically teach: data erasing processing performed after transmitted to the server is suppressed depending upon type of the data.

However, Shinkawa discloses method of protecting data recorded in mobile terminal, and mobile terminal data protection system which teaches: erasing processing performed after transmitted to the server is suppressed (see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: data erasing processing performed after transmitted to the server is suppressed depending upon type of the data in order to conserve computing resources in case data stored in the mobile terminal is of non-critical nature as would be obvious to one of ordinary skill in the art.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

--(US2004/0025053) to Hayward discloses a personal data device and method for storing personal data including authorization means for restricting access to the stored personal data to an authorized user and communication means for transferring at least some of the data personal data between personal data device and a server (abstract; paragraph: 0092).

--(JP2003-061151) to Shinkwa discloses method for preventing data recorded in a missing mobile terminal from being read, falsified or deleted by other and to provide a mobile terminal data protection system (abstract).

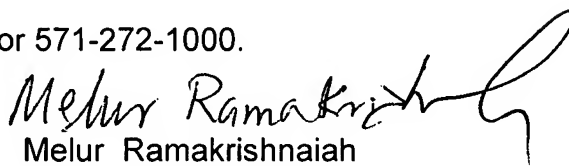
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614